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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/037,823	11/09/2001	Christopher W. Gabrys	IG2216US	6588	
75	590 07/02/2002				
J. Michael Neary			EXAMINER		
Neary Law Office 542 SW 298th Street			PHAM, LEDA T		
Federal Way, W	VA 98023		ART UNIT	PAPER NUMBER	
		•	2834		
			DATE MAILED: 07/02/2002	DATE MAILED: 07/02/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application No.   Application   Applica						
### Defice Action Summary    Examiner		Application No.	Applicant(s)			
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If me period for reply specified shows is less them thing (30) days, a reply within the saustory minimum of thing (30) days will be considered simply.  If no period for reply specified shows is less than thing (30) days, a reply within the saustory minimum of thing (30) days and the considered simply.  If no period for reply specified shows is less than thing (30) days, a reply within the saustory minimum of thing (30) days and the considered simply.  If no period for reply specified shows is less than thing (30) days, a reply within the saustory minimum of thing (30) days and the considered simply.  If no period for reply specified shows is less than thing (30) days, a reply within the saustory minimum of thing (30) days and the considered simply.  If no period for reply specified on the saustory minimum of thing (30) days and the considered simply.  If no period for reply specified on the saustory minimum of the specified shows and the considered shows and the saustory minimum of the specified shows and the saustory minimum of the specified shows and the saustory minimum of the specified shows and the saustory minimum of the saustory may are the saustory minimum of the specified shows and the saustory minimum of the sausto		10/037,823	GABRYS, CHRISTOPHER W.			
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THE MALLING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provision of 3° CFR 113(e). In no event, however, may a reply be timaly filed after SIX (b) MONTH'S from the making date of this communication.  Fallus for step is specified above, the maximum attachory pried with a plant plant or reply within the standary minimum of thinty (50) days will be considered simely.  1 to Denied or reply is specified above, the maximum attachory pried will apply and will expris (x) (b) MONTH'S fire the making date of this communication.  2 having the step of the pried of the communication of the pried of the communication and pried the pried of the communication.  3 having the care of the pried of the communication of the pried of the pried of the communication of the pried of the communication of the pried of	• •	Y IS SET TO EXPIRE 1 MONT	TH(S) FROM			
1)  Responsive to communication(s) filed on  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prospection as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1  Disposition of Claims  4)  Claim(s) is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to by the Examiner.  10)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * O None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.7 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a rep</li></ul>	136(a). In no event, however, may a reply by the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS for cause the application to become ABAND	e timely filed  days will be considered timely. from the mailing date of this communication.  DNED (35 U.S.C. § 133).			
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## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 16, drawn to a flywheel energy storage system, classified in class 310,
     subclass 74.
  - II. Claim 17, drawn to a flywheel energy storage system detecting earthquakes, classified in class 310, subclass 68B.
  - III. Claims 18 20, drawn to a process of storing and recovering energy, classified in class 318, subclass 648.

The inventions are distinct, each form the other because:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as the silt sensor can being used for the remote of unit alarms. See MPEP § 806.05(d).
- 3. Inventions II and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process as claimed can be practiced with another materially different product such as making the sensor in remote of unit alarm.
- 4. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product

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as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process as claimed can be practiced with another materially different product such as making the sensor in remote of unit alarm.

- 5. This application contains claims directed to the following patentably distinct species of the claimed invention:
  - 1) First embodiment of flywheel energy system reflects to figures 1, 4 and 5.
  - 2) Second embodiment of flywheel energy system reflects to figure 2.
  - 3) Third embodiment of flywheel energy system reflects to figure 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to

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be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. A telephone call was made to attorney J. Michael Neary on July 1, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leda T. Pham whose telephone number is (703) 305-4864. The examiner can normally be reached on M-F (7:30-5:00) first Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9176 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

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Leda T. Pham Examiner Art Unit 2834

LP July 1, 2002 Pollador Inna Schulles